



**Signed and Filed: December 21, 2010**

**THOMAS E. CARLSON  
U.S. Bankruptcy Judge**

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 In re ) Case No. 10-33670 TEC  
12 DAVID BRYAN, aka DAVID ROBERT ) Chapter 7  
BRYAN, aka DAVE BRYAN, )  
13 )  
14 )  
15 Debtor. )  
\_\_\_\_\_  
)

ORDER RE U.S. BANK NATIONAL N.A.'S MOTION FOR RELIEF FROM STAY

18 On December 6, 2010, the court held a hearing on the motion  
19 for relief from stay (Motion) filed by U.S. Bank National  
20 Association, as Trustee for J.P. Morgan Alternative Loan Trust  
21 2007-A2 (U.S. Bank). Casper J. Rankin appeared for U.S. Bank.  
22 Timothy Y. Fong appeared for Debtor. Upon due consideration, and  
23 for the reasons stated on the record at the hearing, the court  
24 hereby orders as follows:

25 (1) This order concerns the real property commonly known as  
26 4148 23rd Street, San Francisco, CA 94114 (the Property).

27 (2) Trustee did not appear at the hearing. Debtor appeared at  
28 the hearing and contended that U.S. Bank was not the holder of the  
note.

1 (3) The chapter 7 trustee having failed to oppose the Motion  
2 for Relief from Stay, relief from the automatic stay is granted  
3 with respect to the chapter 7 trustee and the estate so that U.S.  
4 Bank and any other party may enforce its rights in the Property  
5 under the note and deed of trust. 11 U.S.C. §§ 362(a), (c)(1); see  
6 11 U.S.C. § 554(c).

7 (4) Effective December 27, 2010, which is the date of entry of  
8 Debtor's discharge, relief from the automatic stay is granted with  
9 respect to Debtor so that U.S. Bank and any other party may enforce  
10 against Debtor all of its rights in the Property under the note and  
11 deed of trust.

12 (5) The court makes no determination regarding who holds the  
13 note, or who may properly foreclose upon the Property.

**\*\*END OF ORDER\*\***